

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

Criminal No: 2:16-cr-139-5

v.

NICOLE MILLER

DEFENDANT'S SENTENCING MEMORANDUM

I. Preface

The defense comes to the sentencing of Nicole Miller with the ultimate goal of demonstrating that a sentence of 46 months of incarceration, followed by a period of supervised released deemed appropriate by the Court, would be an appropriate sentence in this case.

II. Narrative

Nicole Miller is 31 years old. She is the child of Thomas Miller and Dina Molinaro. She is unmarried with no children.

She was raised primarily by her mother. Her father, who battled alcohol and drug addiction, was incarcerated for a significant period of her life. However, Ms. Miller and her father reunited once she reached adulthood and have maintained a

positive relationship ever since. Both of Ms. Miller's parents have both struggled with serious health issues.

Ms. Miller began to experiment with drugs in high school. Even though she failed to graduate, she obtained legitimate employment and attempted to lead an ordinary life. Unfortunately, the stresses of every day life combined with Ms. Miller's poor coping mechanisms led to the use of prescription pills which in turn led to an addiction to heroin. Her drug use created a devastating cascade of poor decision making and criminal activity.

To her credit, at the age of 21, Ms. Miller recognized that her life had become unmanageable and out of control. To that end, she moved to Virginia Beach, Virginia, away from the negative influences in her immediate environment, and she was able to live a sober and clean lifestyle. Unfortunately, two years later, she returned to Pittsburgh and experienced a relapse.

She continued to spiral out of control with her drug use when she met her future paramour, Willam Richardson. Her relationship with Mr. Richardson led to her involvement in the instant offense.

To be clear, neither defense counsel or Ms. Miller are making excuses for her actions. She made conscious decisions to

engage in the conduct described in the Indictment. However, the purpose of this writing is to provide the Court with an explanation as to why Ms. Miller acted in this manner.

While it is certainly not lost on this Court, it is often difficult to explain to rational individuals with positive coping mechanisms and no diagnosable mental health illnesses how drug addiction can lead to criminal activity. But when someone's mind state is altered and they are vulnerable, they make decisions that aren't consistent with their true character, and instead, the result of short-sighted narcissistic thoughts and emotions that are fueled by an insatiable appetite for drugs.

Ms. Miller was diagnosed with severe depression, anxiety, attention deficit disorder and slight bi-polar disorder. She attended inpatient treatment at Mercy Behavioral Health in 2016. She has never been consistently treated for her mental illnesses. It is difficult for untreated individuals to make rational choices when they are constantly engaged in a constant battle with their own mind.

Ms. Miller's mental health issues, coupled with her heroin and prescription pill use, resulted in a tornado of poor choices. She was using 30 bags of heroin per day before she met Mr. Richardson, who would later become her constant supplier of drugs and manipulator of her conduct. Nevertheless, Ms. Miller

continued to make legitimate attempts at rehabilitation, only to fail each time.

A review of Ms. Miller's criminal history portrays a classic example of a drug user: possession of narcotics and petty theft offenses. It wasn't until Ms. Miller became involved with Mr. Richardson that she became involved in the kind of conduct outlined in the Indictment. Such a history begs the question, would Ms. Miller have found herself engaged in this kind of criminal activity but for her relationship with Mr. Richardson? Likely not. Again, this statement is not made to minimize Ms. Miller's criminal activity. However, approximately two years of incarceration has created the necessary distance between Ms. Miller and Mr. Richardson which has resulted in new found clarity for the former. She has spent a considerable amount of that time contemplating an action plan to ensure that she does not repeat history.

Ms. Miller recognizes that she must be held accountable for her actions but asks that the Court temper justice with mercy and impose a sentence of 46 months of incarceration with an appropriate period of supervised release as deemed necessary by Your Honor.

Respectfully Submitted,

/s/ Randall H. McKinney

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